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Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction. By WILLIAM SHARP McKECHNIE. (Glasgow: J. MacLehose and Sons; New York: Macmillan. 1905. Pp. xix, 607.)

WHEN one first opens this book he notes its excellent presswork, the professional position of the author as lecturer on constitutional law and history in the University of Glasgow, the indication in the table of contents of some two hundred pages of "Historical Introduction" and of some three hundred and fifty pages of "Magna Carta: Text, Translation, Commentary", followed by an appendix of documents, select bibliography and list of authorities referred to, index to statutes, and general index. All this promises well and Dr. McKechnie's object as described in the preface is thoroughly laudable, for he recognizes that all previous works on this subject are hopelessly out of date and therefore aims to bring the knowledge gained by modern historical research to bear upon the elucidation of Magna Carta. He attempts this in a style which is dignified, sincere, and readable; and it is evident that he has worked with industry and zeal to produce a commentary worthy of its subject.

A closer examination of his work, however, discloses certain fundamental limitations which will greatly impair its usefulness. In the first place, the book is distinctively a commentary upon Magna Carta made from the point of view of the constitutional lawyer, so that the historical treatment of the influence of Magna Carta closes with the reign of Edward I., although Bémont has correctly written: "L'histoire de la Grande Charte n'est pas finie avec le règne d'Édouard I^{er}. . .", and even Dicey, a constitutional lawyer like the author, has pointedly objected to this very tendency.

Next, by failing to examine similar phenomena upon the Continent he has exposed himself to the just reproof of Dicey who wrote: "One reason why the law of the constitution is imperfectly understood is, that we too rarely put it side by side with the constitutional provisions of other countries. Here, as elsewhere, comparison is essential to recognition."

And finally, the third and most serious limitation upon the usefulness of the book is that the author has confined himself almost exclusively to works published in English (or Latin), and has not even noted the important contributions bearing upon his subject which have appeared in America. Apart from Bémont, about half a dozen Continental authors are referred to throughout the work, once or twice apiece, and it looks very much as though even this has been done at second-hand. Articles in the AMERICAN HISTORICAL REVIEW bearing directly upon the commentator's work have been entirely passed aside. The result is that Dr. McKechnie can have no firm grasp of his subject, and this is apparent in his book. In discussing the origin of trial by jury he omits mention of Brunner and of Professor Haskins's article (p. 159, n. 1). He

considers the "contract, pact, or private agreement" theory of Magna Carta as making it comparable with an instrument relating to "the hire of a waggon" (p. 126), and doubtfully concludes: "Magna Carta may perhaps be described as a treaty or a contract which enacts or proclaims a number of rules and customs as binding in England, and reduces them to writing in the unsuitable form of a feudal charter granted by King John to the freemen of England and their heirs" (p. 129). When it comes to an estimate of the true value of Magna Carta the author lacks again that clear view of its fundamental importance in preserving the "definite contract-idea of the feudal system" as "the corner-stone of the English limited monarchy" which he could have gained from Professor G. B. Adams's articles. Other fundamental questions, such as the logic of the arrangement of the document (cf. pp. 129-144), receive like unsatisfactory treatment.

The first limitation mentioned could readily be justified by the author though to be deplored by the historical student; the second limitation is both deplorable and unscientific, but might have its excuses; the third limitation is fatal to sound scholarship.

Further mention of the Commentaries may be omitted, except possibly a note upon the frequent use made of Coke and Blackstone; but the appendix, consisting of eight documents, calls for attention. Liebermann's description and collation of the texts of the Coronation Charter of Henry I. is ignored; the Unknown Charter of Liberties is "perhaps" identified with the Schedule of 27 April, 1215, rather than assigned to Prince Louis's expedition in accordance with the preferences of Hubert Hall and Bémont; the definitive edition of Magna Carta of 1225 is omitted. As for the "Select Bibliography and List of Authorities referred to", of the eleven works named especially relating to Magna Carta, B. C. Barrington's "curiosity" (*AM. HIST. REV.*, V. 387) is one, and as far as the bibliography or index is concerned an unsuspecting reader might suppose it a book to be used, unless perchance he should stumble upon note 3, page 212. Two more of the eleven, Lau and Hantos, are mentioned nowhere else in the book so far as can be discovered. It would be idle to undertake to name the important works that have been omitted from the bibliography. The Index to Statutes contains no explanatory headings, the eight-page Index omits important characters, as e. g., Richard d'Anesty (pp. 309-310).

In conclusion, one feels compelled to state that although for want of something better this work will undoubtedly be consulted, nevertheless taken as a whole it cannot be regarded as of more than mediocre value.

HENRY LEWIN CANNON.

The Story of Ferrara. By ELLA NOYES. Illustrated by Dora Noyes. ["Mediaeval Towns"]. (London: J. M. Dent and Company. 1904. Pp. xiv, 422.)

OF all the Italian cities, over which silence and desolation brood, none has made of death so noble a thing as Ferrara. The respect and